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STATE OF DELAWARE
BOARD OF PROFESSIONAL LAND SURVEYORS

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MEETING MINUTES:	BOARD OF PROFESSIONAL LAND SURVEYORS
DATE AND TIME:	November 20, 2014 at 8:30 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , second floor of the Cannon Building
APPROVED:	January 15, 2015

MEMBERS PRESENT

James Bielicki, Jr., Professional Member, Chairman
Franco R. Bellafante, Professional Member, Vice-Chair
Thomas Plummer, Professional Member
Charles Adams, Jr., Professional Member
Rhonda West, Public Member, Secretary

DIVISION STAFF

Kevin Maloney, Deputy Attorney General
Amanda McAtee, Administrative Assistant II

MEMBERS ABSENT

None

PUBLIC

None

CALL TO ORDER

Mr. Bielicki called the meeting to order at 8:32 a.m.

PUBLIC HEARING, RULES AND REGULATIONS - 8:30 A.M.

BOARD PRESENT: James Bielicki, Jr., Franco R. Bellafante, Thomas Plummer, Charles Adams, Jr., Rhonda West

PUBLIC PRESENT: None

PURPOSE:

The Delaware Board of Professional Land Surveyors, in accordance with 24 Del.C. §2706(a)(1), has proposed revisions to its rules and regulations. The proposed revisions to the Rules and Regulations are intended to allow professional development hours to be obtained by online courses. The additional changes are of an administrative nature.

PRESIDING:

James Bielicki, Jr., Professional Member, Chairman

DIVISION STAFF:

Amanda McAtee, Administrative Specialist II

BOARD COUNSEL: Kevin Maloney, Deputy Attorney General

The hearing began at 8:32 a.m. Mr. Maloney stated that the purpose of the hearing was to receive public comment regarding the Board's proposed Rules and Regulations. Mr. Maloney advised that the notification of the public hearing was published in the Register of Regulations on August 1, 2014 and October 1, 2014 and two Delaware newspapers on October 31, 2014. Mr. Maloney marked the News Journal affidavit of publication as Board exhibit one and the State News affidavit of publication as Board exhibit two.

Mr. Maloney confirmed that no public comment had been received by the Board office and no members of the public were present at the hearing. With there being no public comment, Mr. Maloney advised the Board that the public would have an additional fifteen days after the hearing date to make comments. The Board would deliberate on any public comments received at its next Board meeting on January 15, 2015.

The hearing adjourned at 8:35 a.m.

Review and Approval of Minutes

Ms. West made a motion, seconded by Mr. Bellafante, to approve the October 16, 2014 minutes. By unanimous vote, the motion carried.

Unfinished Business

Discussion of Automatic Approval of PDHs Offered

The Board reviewed the proposed regulation change. After review, Mr. Bielicki made a motion, seconded by Mr. Bellafante, to approve the proposed regulation change for publication in the register of regulations. By unanimous vote, the motion carried.

Final Review of Legislation Packet

Mr. Bielicki stated that there was a public workshop held two years ago and no adverse public comment regarding the proposed legislation was received. Mr. Maloney stated that he would add that information into the letter to Mr. Mangler. Mr. Bielicki, Mr. Bellafante, and Mr. Adams stated that they would be available during the upcoming legislative session. Ms. West stated that she could assist with tracking the bill during the legislative session and would let Ms. McAtee know if she saw any updates.

After review and discussion, Mr. Bielicki made a motion, seconded by Mr. Adams, to forward the legislative package to the Division Director, Mr. Mangler. By unanimous vote, the motion carried.

Complaint Status

Open Complaints

05-02-13 closed

05-03-13 closed

05-01-14 closed

Mr. Bielicki stated that the Board had three closed complaints.

NEW BUSINESS

Courses for Continuing Education Approval

None

Review of Application for Licensure by Examination – None

Review of Application for Licensure by Reciprocity

James Heiser

Mr. Bellafante reviewed the reciprocity application James Heiser. After discussion, Mr. Bellafante made a motion, seconded by Mr. Adams, to approve James Heiser's reciprocity application contingent upon a passing score on the State drainage and jurisprudence exam. By unanimous vote, the motion carried.

Review of Application for Surveyor Intern – none

Review of Land Surveying Certificate of Authorization

Naravvo & Wright Consulting Engineers, Inc. – Surveyor In Charge: Aleksandar Grkovic

Mr. Bielicki stated that there was not an issue with a surveyor being in charge of two different companies. Mr. Plummer stated that there wasn't a law or regulation to prohibit it. Mr. Adams stated that they had to be an employee or officer of the company. Ms. McAtee questioned if the Board was okay with the practice of a surveyor being the surveyor in charge of more than one company.

Mr. Bielicki stated that it wouldn't hurt to add language that they had to be an officer or employee of the company to the application. Mr. Maloney stated that the affidavit on the application took care of that statement. Mr. Bellafante stated that he would want to see some sort of proof of employment for a company. Mr. Bielicki stated that signing the application certified that you were employed with the company. Mr. Maloney stated that you would need a reasonable reason to believe there was not an employment connection to request the information.

Mr. Adams stated that the Board was coming from an understanding that there have been instances where there has been no responsible charge on a day to day basis. Mr. Maloney stated that the Board could develop a regulation to further define the responsible charge and direct supervision relationship. Mr. Maloney requested that the Board review the definitions of responsible charge and direct supervision as defined in §2702 and §2718(4) of the statute and in Rule 2.0 in the Board's Rules and Regulations.

Mr. Plummer made a motion, seconded by Ms. West, to approve the certificate of authorization for Naravvo & Wright Consulting Engineers, Inc. By unanimous vote, the motion carried.

Ratification of Issuance of Land Surveying Certificate of Authorization

Spartan Engineering/Land Surveying P.C. – Surveyor In Charge: Keith Ludwig

Mr. Bielicki made a motion, seconded by Mr. Plummer, to ratify the certificate of authorization issued for Spartan Engineering/Land Surveying P.C. By unanimous vote, the motion carried.

Review of Land Surveying Certificate of Authorization – None

Review of Audits – None

Wall Certificates

Correspondence

Ms. McAtee stated that she had received an anonymous letter on October 29, 2014 that stated:

“Dear Sirs,

As a newcomer to the State of Delaware and myself a Land Surveyor, I have noticed that most of the construction companies in Delaware that have a survey department are usually headed by an unlicensed surveyor. Who is in responsible charge when right of way monumentation is set, or a property corner is destroyed during construction and has to be replaced? In my old state as well as others that I have worked in this would not be occurring.”

Mr. Bellafante stated that part of the letter was incorrect because he knew construction companies had surveyors in charge. Mr. Plummer stated that the monumentations were supposed to be set by a professional land surveyor and DELDOT required them to be set by a professional land surveyor. Mr. Plummer stated that there were plenty of construction companies that employed a licensed land surveyor however; it was difficult for the public to identify this information from the outside. Mr. Bielicki stated if the company employed an engineer they wouldn't need a land surveyor. Mr. Bielicki stated that anyone from the public could file a complaint if they felt unlicensed practice had occurred. Mr. Plummer stated that this individual should forward his question to Public Relations with the Department of Transportation.

Mr. Maloney stated that this letter was commenting on the broadness under 2718(4). Mr. Maloney stated that to answer his question you don't necessarily need someone in responsible charge you could have someone under direct supervision. Ms. McAtee thanked the Board for their input and stated that since the letter was anonymous that she wanted to put something in the minutes that the Board reviewed the correspondence.

OTHER BUSINESS BEFORE THE BOARD (FOR DISCUSSION ONLY)

None

PUBLIC COMMENT

None

NEXT MEETING

The next meeting of the Board is January 15, 2015 at 8:30 a.m. in Conference Room A, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business before the Board, Mr. Bielicki made a motion, seconded by Ms. West, to adjourn the meeting at 10:31 a.m. By unanimous vote, the motion carried.

Respectfully Submitted,



Amanda McAtee
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.